THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 7648 of 2007

DATE: 10-08-2007

Between :

Tirupathamma

… Petitioner

And

The Commissioner,
Endowments Departments,
Hyderabad and another.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 7648 of 2007

ORDER:

Heard the learned counsel for the petitioner as well as the learned counsel appearing for the respondents.

It is not in dispute that the petitioner's husband was cultivating tenant in respect of Acs.8.68 cents of dry land situated in Sy.No.12 of Malkapuram village belonging to the second respondent-temple. After the death of her husband in the year 1998, the petitioner has continued in possession and enjoyment. While so, Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 were made under G.O.Ms.No.379, dated 11-03-2003 and pursuant thereto, the second respondent issued termination notice under Rule 5(1) of the Rules. Though the petitioner received the same, she did not hand over the possession of the land. However, in the public auction conducted on 22-10-2003 for grant of leasehold rights of the land in question, the petitioner had participated and she was declared as the highest bidder. Consequently, she was granted lease for a period of three years from 2003-2004 to 2005-2006. She continued in possession and enjoyment of the land during the period of the said lease. Subsequently, the second respondent issued a fresh auction notice dated 13-04-2007 proposing to conduct auction for grant of leasehold rights for the year 2007-2008 to 2009-2010. The said auction notice has been challenged in this writ petition contending *inter alia* that since the petitioner is in possession of the land in question, the respondents are not entitled to grant the leasehold rights in favour of any third party.

From the counter affidavit filed by the second respondent and the material placed before this Court, it is clear that the petitioner was granted a lease in the year 2003 for a period of three years. It is also clear that though she participated in response to the impugned auction notice dated 13-04-2007 she could not succeed and one T.Satyanarayana was declared as the highest bidder. Thus, the petitioner who is only an unsuccessful bidder cannot claim any right to cultivate the land in question any longer. The mere fact that she was the lessee for the previous year does not entitle her to seek a Mandamus restraining the respondents from conducting auction following due process of law.

Accordingly, the writ petition is dismissed. It is needless to mention that the interim order granted earlier shall stand vacated. No costs.

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G. ROHINI,J

Date: 10-08-2007
KLP